

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

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FILED
ASHEVILLE, N. C.

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U. S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA)

Vs.)

DREW HOWARD BRINSON.)
_____)

ORDER

PURSUANT TO 28, UNITED STATES CODE, SECTION 636(b) and the
standing orders of designation entered by the district court, the undersigned magistrate
judge has reviewed the defendant's

- (1) Motion for Exclusion of Witnesses (#24);
- (2) Motion to Require Government to Submit Defendant's Pre- and Post-Arrest Statements Prior to Trial (#25);
- (3) Motion for List of Witnesses (#26);
- (4) Motion for Production of Psychiatric Evaluation and Other Evidence of Emotional Disorder of Any Government Witness (#27);
- (5) Motion for the Disclosure of 404(b) Evidence ("Similar" or "Extrinsic Act") F.R.E. 803(24) Evidence, F.R.E. 804(5) Evidence (#28);
- (6) Request for Notice of Government's Intention to Use Evidence (#29);
- (7) Motion to Preserve Evidence (#30);
- (8) Motion to Compel Disclosure of Criminal Records of Informants and Other Government Witnesses (#31);
- (9) Motion to Suppress Oral and Written Statements (#32); and
- (10) Motion to Suppress Identification (#33).

It appears that motion one is a motion in limine which the district court has been reserved for disposition at the time of trial, motions two through eight are discovery motions which are untimely, but covered by this court's December 9, 1993, discovery Order, and that motions nine and ten are dispositive motions filed after publication of the calendar, which the district court has specifically reserved for disposition at the time of trial. Having considered the defendant's motions, and reviewed the file, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's

- (1) Motion for Exclusion of Witnesses is **RESERVED** for disposition at the time of trial;
- (2) Motion to Require Government to Submit Defendant's Pre- and Post-Arrest Statements Prior to Trial is **DENIED** as moot;
- (3) Motion for List of Witnesses is **DENIED** as moot;
- (4) Motion for Production of Psychiatric Evaluation and Other Evidence of Emotional Disorder of Any Government Witness is **DENIED** as moot;
- (5) Motion for the Disclosure of 404(b) Evidence ("Similar" or "Extrinsic Act") F.R.E. 803(24) Evidence, F.R.E. 804(5) Evidence is **DENIED** as moot;
- (6) Request for Notice of Government's Intention to Use Evidence is **DENIED** as moot;
- (7) Motion to Preserve Evidence is **DENIED** as moot;

- (8) Motion to Compel Disclosure of Criminal Records of Informants and Other Government Witnesses is **DENIED** as moot;
- (9) this court's December 9, 1993, discovery order is incorporated herein as if fully set forth;
- (10) Motion to Suppress Oral and Written Statements is **RESERVED** for disposition at the time of trial; and
- (11) Motion to Suppress Identification is **RESERVED** for disposition at the time of trial.

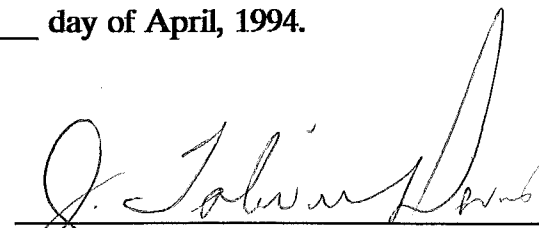
Nothing in this Order should be construed as affecting in any way defense counsel's ability to make discovery pursuant to the government's open-file policy, if such policy is in effect in this particular case.

This Order is entered in response to defendant's

- (1) Motion for Exclusion of Witnesses (#24);
- (2) Motion to Require Government to Submit Defendant's Pre- and Post-Arrest Statements Prior to Trial (#25);
- (3) Motion for List of Witnesses (#26);
- (4) Motion for Production of Psychiatric Evaluation and Other Evidence of Emotional Disorder of Any Government Witness (#27);
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- (6) Request for Notice of Government's Intention to Use Evidence (#29);
- (7) Motion to Preserve Evidence (#30);
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- (9) Motion to Suppress Oral and Written Statements (#32); and
- (10) Motion to Suppress Identification (#33).

This 22nd day of April, 1994.



J. TOLIVER DAVIS
UNITED STATES MAGISTRATE JUDGE